

**Senate File 145 - Introduced**

SENATE FILE 145

BY CHAPMAN

**A BILL FOR**

1 An Act eliminating the requirement of an annual permit to

2 acquire a pistol or revolver.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.11A, Code 2017, is amended to read  
2 as follows:

3 **724.11A Recognition.**

4 A valid permit or license issued by another state to any  
5 nonresident of this state shall be considered to be a valid  
6 permit or license to carry weapons issued pursuant to this  
7 chapter, ~~except that such permit or license shall not be~~  
8 ~~considered to be a substitute for an annual permit to acquire~~  
9 ~~pistols or revolvers issued pursuant to~~ [section 724.15](#).

10 Sec. 2. Section 724.21A, Code 2017, is amended to read as  
11 follows:

12 **724.21A Denial, suspension, or revocation of permit to carry**  
13 **~~weapons or permit to acquire pistols or revolvers.~~**

14 1. In any case where the sheriff or the commissioner of  
15 public safety denies an application for or suspends or revokes  
16 a permit to carry weapons, ~~or an annual permit to acquire~~  
17 ~~pistols or revolvers~~, the sheriff or commissioner shall provide  
18 a written statement of the reasons for the denial, suspension,  
19 or revocation and the applicant or permit holder shall have the  
20 right to appeal the denial, suspension, or revocation to an  
21 administrative law judge in the department of inspections and  
22 appeals within thirty days of receiving written notice of the  
23 denial, suspension, or revocation.

24 2. The applicant or permit holder may file an appeal with  
25 an administrative law judge by filing a copy of the denial,  
26 suspension, or revocation notice with a written statement that  
27 clearly states the applicant's reasons rebutting the denial,  
28 suspension, or revocation along with a fee of ten dollars.  
29 Additional supporting information relevant to the proceedings  
30 may also be included.

31 3. The administrative law judge shall, within forty-five  
32 days of receipt of the request for an appeal, set a hearing  
33 date. The hearing may be held by telephone or video conference  
34 at the discretion of the administrative law judge. The  
35 administrative law judge shall receive witness testimony and

1 other evidence relevant to the proceedings at the hearing. The  
2 hearing shall be conducted pursuant to [chapter 17A](#).

3 4. Upon conclusion of the hearing, the administrative law  
4 judge shall order that the denial, suspension, or revocation  
5 of the permit be either rescinded or sustained. An applicant,  
6 permit holder, or issuing officer aggrieved by the final  
7 judgment of the administrative law judge shall have the right  
8 to judicial review in accordance with the terms of the Iowa  
9 administrative procedure Act, [chapter 17A](#).

10 5. The standard of review under [this section](#) shall be  
11 clear and convincing evidence that the issuing officer's  
12 written statement of the reasons for the denial, suspension, or  
13 revocation constituted probable cause to deny an application or  
14 to suspend or revoke a permit.

15 6. The department of inspections and appeals shall adopt  
16 rules pursuant to [chapter 17A](#) as necessary to carry out the  
17 provisions of [this section](#).

18 7. In any case where the issuing officer denies an  
19 application for, or suspends or revokes a permit to carry  
20 weapons, ~~or an annual permit to acquire pistols or revolvers~~  
21 solely because of an adverse determination by the national  
22 instant criminal background check system, the applicant or  
23 permit holder shall not seek relief under [this section](#) but  
24 may pursue relief of the national instant criminal background  
25 check system determination pursuant to Pub. L. No. 103-159,  
26 sections 103(f) and (g) and 104 and [28 C.F.R. §25.10](#), or other  
27 applicable law. The outcome of such proceedings shall be  
28 binding on the issuing officer.

29 Sec. 3. Section 724.27, subsection 1, unnumbered paragraph  
30 1, Code 2017, is amended to read as follows:

31 The provisions of [section sections 724.8](#), ~~section 724.15,~~  
32 ~~subsection 1,~~ and [section 724.26](#) shall not apply to a person  
33 who is eligible to have the person's civil rights regarding  
34 firearms restored under [section 914.7](#) if any of the following  
35 occur:

1     Sec. 4. REPEAL. Sections 724.15, 724.16, 724.17, 724.18,  
2 724.19, 724.20, and 724.21, Code 2017, are repealed.

3                                   EXPLANATION

4             The inclusion of this explanation does not constitute agreement with  
5             the explanation's substance by the members of the general assembly.

6     This bill eliminates the requirement, pursuant to Code  
7 section 724.15, that a person who desires to acquire ownership  
8 of a pistol or revolver must apply for and be issued an  
9 annual permit to acquire a pistol or revolver unless certain  
10 exceptions apply.

11    The bill repeals related Code sections relating to  
12 permit-to-acquire applications (Code sections 724.17 and  
13 724.18), issuance requirements and procedures (Code sections  
14 724.19, 724.20, and 724.21), and a related transfer of  
15 ownership and penalty provision (Code section 724.16). The  
16 bill makes conforming changes to Code sections 724.11A  
17 (recognition of out-of-state permits), 724.21A (provisions  
18 relating to the denial, suspension, or revocation of permits to  
19 acquire), and 724.27 (restoration of citizenship rights to a  
20 person convicted of a felony).

21    Current law provides that a person who acquires ownership of  
22 a pistol or revolver without a valid annual permit to acquire  
23 pistols or revolvers or a person who transfers ownership of  
24 a pistol or revolver to a person who does not have in the  
25 person's possession a valid annual permit to acquire pistols  
26 or revolvers is guilty of an aggravated misdemeanor, and a  
27 person who transfers ownership of a pistol or revolver to a  
28 person that the transferor knows is prohibited from acquiring  
29 ownership of a pistol or revolver commits a class "D" felony.  
30 In addition, current law provides that a person who gives a  
31 false name or presents false identification, or otherwise  
32 knowingly gives false material information to one from whom the  
33 person seeks to acquire a pistol or revolver commits a class  
34 "D" felony.